

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
February 17, 2009

The City Council convened in Regular Session on Tuesday, February 17, 2009, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, Richard Veit, and Weller. Absent: None. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office. File #47038

President of the Council Jerry Reese requested that the family of former Councilmember Jim Williams be kept in everyone's thoughts and prayers, upon his recent death. The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

PUBLIC HEARINGS

The President of the Council Jerry Reese announced that the following Public Hearings would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

- A. Case No. CU-31-08. (OOS Investments). The applicant is requesting approval of a conditional use permit from Section 156.743 (Billboards) within the C-2 General Business District for the construction of a digital billboard at 1410 South Fifth Street. The subject property is 5.01 acres and is located in Ward Two. ***(RCA Attached)***
- B. Case No. Z-16-08. (Edward Rose Properties, Inc.). An application to rezone two tracts of land located at the northern corner of the intersection of Friedens Road, Arena Parkway and South River Road from the R-1E Single-Family Residential District and PD-MU Planned Development – Multi-Use to the R-3A Multiple Family Residential District. The fifteen (15) acre R-1E parcel is known as 1875 South River Road and the PD-MU zoned property, immediately adjacent to the west, is a five (5) acre portion of the Talbridge Planned Development. (Ward 3) ***(RCA Attached) (Planning & Zoning Commission Recommended Denial of the Application)***
- C. Case No. Z-17-08. (Edward Rose Properties, Inc.). An application to rezone two tracts of land located at the northern corner of the intersection of Friedens Road, Arena Parkway and South River Road from the R-3A Multiple Family Residential District to the PD-R Planned Development-Residential District. In conjunction with the rezoning, the Commission will consider a preliminary development plan for the property. The preliminary development plan proposes the construction of twelve (12) multi-family structures with a total of two-hundred fifty-two (252) units. Associated parking, clubhouse and outdoor recreation are also depicted in the plan. The subject parcels total approximately twenty (20) acres. (Ward 3) ***(RCA Attached) (Planning & Zoning Commission Recommended Denial of the Application)***

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RESOLUTIONS/AWARDS/PROCLAMATIONS

Recognition of George Butler & Associates for Receipt of Award for Engineering
Excellence from the American Council of Engineering Companies of Missouri

Mayor Patricia M. York introduced George Butler & Associates Representative Jerry Hurlbert, who presented a plaque to the City of St. Charles sharing the award received from the American Council of Engineering Companies of Missouri for the Highway 70/94 Interchange.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 9842 Authorizing the Acceptance of the Provisional Streets in Chateau
Country Club Subdivision as City Streets

Ray Lodes, 3002 Duclair Parkway, spoke in favor of Council Bill 9842.

Council Bill 9862 Authorizing Supplemental Agreement No. 5 to the Contract with Bax
Engineering Company for the I-70 and 5th Street Corridor Improvement Project

Tom Besselman, 550 Jackson, voiced concern relative to Council Bill 9862.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

Harry LeBlanc, 3417 Greiner Drive, voiced concern relative to the placement of items on the Council agenda; specifically, whether there would be additional discussion relative to the proposed increase in water/sewer rates.

BILLS FOR FINAL PASSAGE

Bill 9842

An Ordinance Authorizing the Acceptance of the Provisional Streets in Chateau Country Club Subdivision as City Streets (*Sponsor: Laurie Feldman*)

Discussion was held relative to the acceptance of private and/or provisional streets as City Streets. A suggestion was made by Councilmember Bob Kneemiller that funding be included in the budget for provisional street repair. Director of Public Works Debra Aylsworth responded to an inquiry of Councilmember Erv Ermeling that the slabs which need replacement within Chateau Country Club Subdivision were rated Priority 1 through 3, with the slabs rated Priority 1 needing immediate replacement; and that the result of the rating is as follows: Priority 1 – 31% (200 slabs); Priority 2 – 8% (51 slabs); and Priority 3 - 6% (34 slabs). Ms. Aylsworth also stated that 44% of the slabs within Chateau Country Club are in need of repair. A separate vote was taken on Council Bill 9842, with the following results:

Passed “Aye”: Kneemiller, Muench, Reese, Veit, Weller, and Feldman
 “Nay”: Stivison, Beckering, Ermeling, and Klinghammer
 Absent: None

Approved by the Honorable Mayor on February 23, 2009 and is known as **Ordinance 09-35**

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Bill 9861

An Ordinance Authorizing Supplemental Agreement No. 5 to the Contract with Bax Engineering Company, Inc. for Additional Engineering Services Associated with the I-70 and 5th Street Corridor Improvement Project in an Amount of \$12,630.25, for a Total Contract Amount Not to Exceed \$350,897.15 (*Sponsor: Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,
Beckering, Ermeling, and Feldman

"Nay": None

Absent: None

Approved by the Honorable Mayor on February 20, 2009 and is known as **Ordinance 09-30**

Bill 9862

An Ordinance Repealing Ordinance 08-233 and Enacting a New Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Christian Fellowship Center, Inc. (420 Hemsath Road) (*Sponsor: Laurie Feldman*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,
Beckering, Ermeling, and Feldman

"Nay": None

Absent: None

Approved by the Honorable Mayor on February 20, 2009 and is known as **Ordinance 09-31**

Bill 9863

An Ordinance Repealing Ordinance 08-258 and Enacting a New Ordinance Rezoning to City Zoning District R-1E (Single-Family Residential District) from County Zoning District R-1E (Single-Family Residential District), a Parcel of Land Located at 420 Hemsath Road (*Sponsor: Laurie Feldman and Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,
Beckering, Ermeling, and Feldman

"Nay": None

Absent: None

Approved by the Honorable Mayor on February 20, 2009 and is known as **Ordinance 09-32**

Bill 9864

An Ordinance Rezoning to Zoning District C-3 (Highway Business District) from Zoning District R-1E (Single-Family Residential District), a Parcel of Land Located at 1141 St. Charles Avenue (*Sponsor: Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,
Beckering, Ermeling, and Feldman

"Nay": None

Absent: None

Approved by the Honorable Mayor on February 20, 2009 and is known as **Ordinance 09-33**

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Bill 9865

An Ordinance Rezoning to Zoning District C-3 (Highway Business District) from Zoning District R-1E (Single-Family Residential District), a Parcel of Land Located at 1147 St. Charles Avenue (*Sponsor: Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,
Beckering, Ermeling, and Feldman
"Nay": None
Absent: None

Approved by the Honorable Mayor on February 20, 2009 and is known as **Ordinance 09-34**

Bill 9866

An Ordinance Rezoning to Zoning District C-3 (Highway Business District) from Zoning District R-1E (Single-Family Residential District), a Parcel of Land Located at 1151 St. Charles Avenue (*Sponsor: Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,
Beckering, Ermeling, and Feldman
"Nay": None
Absent: None

Approved by the Honorable Mayor on February 23, 2009 and is known as **Ordinance 09-36**

Bill 9867

An Ordinance Rezoning to Zoning District C-2 (General Business District) from Zoning District I-1 (Light Industrial District), a 19.682 Acre Parcel Located at the Terminus of Mercantile Industrial Drive, West of North Highway 94 and North of North Drive, Also Known As Parcel ID 5-0124-0164-00-10 (*Sponsors: Richard Veit and Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,
Beckering, Ermeling, and Feldman
"Nay": None
Absent: None

Approved by the Honorable Mayor on February 23, 2009 and is known as **Ordinance 09-37**

Bill 9868 (Substitute Bill No. 1) (Held)

An Ordinance Amending Ordinance Number 08-270 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2009 (*Budget Amendment No. 1*) (*Sponsors: Laurie Feldman and Larry Muench*)

A request was made by Councilmember Bob Kneemiller for the dollar amount remaining from the 2008 Budget which was not re-appropriated by Budget Amendment No. 1. Director of Finance Karen McDermott stated that preliminary numbers would be provided to the Council by Friday, February 20, 2009. An additional request was made by Councilmember Bob Kneemiller that the City Clerk clarify with the Finance Director the exact amount remaining in the 2008 Council and Clerk's Office Budgets, and email to the Councilmembers. A motion was made by LARRY MUENCH to hold Council Bill 9868, pending receipt of the information requested. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed.

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Bill 9869

An Ordinance Authorizing a Contract with America's Parking Remarketing, Inc. (A.P.R., Inc.) for the City Wide Street Striping Project for 2009 in an Amount Not to Exceed \$165,914.48 (*Sponsor: Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,
Beckering, Ermeling, and Feldman
"Nay": None
Absent: None

Approved by the Honorable Mayor on February 23, 2009 and is known as **Ordinance 09-38**

Bill 9870

An Ordinance Amending Section 115.34(B)(7)(b) of the Code of Ordinances Pertaining to Liquor License by Deleting the Provision Applicable to a Liquor Store (*Sponsor: Jerry Reese*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,
Beckering, Ermeling, and Feldman
"Nay": None
Absent: None

Approved by the Honorable Mayor on February 23, 2009 and is known as **Ordinance 09-39**

Bill 9871

An Ordinance Authorizing a Nonexclusive License and Subscription Agreement By and Between St. Charles County and the City of St. Charles for the Use of GIS Data for a Period Beginning January 1, 2009 and Terminating February 2010. (*Sponsor: Jerry E. Reese*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,
Beckering, Ermeling, and Feldman
"Nay": None
Absent: None

Approved by the Honorable Mayor on February 23, 2009 and is known as **Ordinance 09-40**

Bill 9873 (Withdrawn)

An Ordinance Approving the Record Plat for Boulders at Katy Trail Phase II Condominium Plat Building 3, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Laurie Feldman*)

A motion was made by LAURIE FELDMAN to withdraw Council Bill 9873. LARRY MUENCH seconded the motion. All voted in favor, motion passed.
File #47039

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BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 9872 (Amended)

An Ordinance Amending Chapter 156 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Section 156.705 Pertaining to Street Banner Signs
(Sponsors: *Larry Muench and Michael Klinghammer*)

A motion was made by MICHAEL KLINGHAMMER to amend Council Bill 9872, by revising Section 156.705((F)(1) to decrease the minimum height of a street banner sign above street grade, in the Historic Downtown District, from 14 feet to 11 feet 6 inches. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

Bill 9874

An Ordinance Authorizing Acceptance of Development Improvements of Sanitary Sewer Utilities and Their Appurtenances at Lohmann Estates and Release of Security (Sponsor: *Michael Klinghammer*)

Bill 9875

An Ordinance Authorizing Acceptance of Improvements of Water, Storm Sewer Utilities and Their Appurtenances at the New Town at St. Charles - East Hiram Street Condominiums Plat One, and Release of Security (Sponsor: *Michael Klinghammer*)

Bill 9876

An Ordinance Authorizing Acceptance of Improvements of Water, Storm Sewer Utilities, City Streets and Their Appurtenances at the New Town at St. Charles Phase Two – Plat Six, and Release of Security (Sponsor: *Michael Klinghammer*)

CONSENT AGENDA

Councilmember Michael Weller removed *Item 8.B.2.a.i Convention Center Oversight Committee Meeting of November 24, 2008 (Add the Replacement POS System in the Amount of \$30,000 in the 2009 Capital Plan)* from the Consent Agenda. Councilmember Bob Kneemiller removed *Item 8.G.2 Approval of Water and Sewer Rate Structure* from the Consent Agenda. A motion was made by LARRY MUENCH to receive and approve the balance of the Consent Agenda. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: “Aye”: Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, and Kneemiller. “Nay”: None. Absent: None. Motion passed.

A. Approval of Council Minutes

1. Public Hearing of February 3, 2009

File #47040

B. Approval of Council Committee Reports

1. Approval of Council Committee Minutes

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D. Receipt of Reports of the Director of Administration

1. Authorization to Negotiate an Engineering Services Contract with Crawford, Murphy & Tilly, Inc. for the Completion of the Water Model 2009 Project

File #47045

E. Approval of Contracts and Easements from \$30,001 - \$99,999

1. Contract with St. Louis Post-Dispatch LLC dba St. Louis Advertising Network for Advertisement Services in an Amount not to Exceed \$95,100.00

File #47046

2. Contract with REJIS for Annual Law Enforcement Services for 2009 in an Amount not to Exceed \$47,675.36

File #47047

3. Contract with Integra, Inc. for Remodeling of the Restroom at Convention & Visitors Bureau, in Compliance with ADA Requirements in an Amount not to Exceed \$37,885.00

File #47048

4. Contract with Aerotek for Temporary Project Manager for Public Works in an Amount not to Exceed \$97,000.00

File #47049

5. Contract with Kelly Services for Temporary Project Manager for Public Work in an Amount not to Exceed \$95,000.00

File #47050

6. Contract with Pickett, Ray & Silver, Inc. for the Bridge Culvert Maintenance Project in an Amount not to Exceed \$49,960.00

File #47051

7. Change Order No. 1 to the Contract with Fred Weber for Landfill Services in an Amount not to Exceed \$12,000.00

File #47052

8. Contract with Fat Dog Creative for Professional Graphic Designer Services for the Convention & Visitors Bureau in an Amount not to Exceed \$38,000.00

File #47053

9. Change Order #1 to the Contract with Leon Uniform Company for Police Uniforms & Equipment in an Amount not to Exceed \$10,000.00

File #47054

F. Preliminary Plats
None

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- G. Miscellaneous
1. Approval of Liquor License Application for Aaron Kranz, dba Cobblestones, Located at 140 North Main Street
File #47005
 2. Approval of Liquor License Application for Thomas Findley, dba Lloyd & Harry's, Located at 208 North Main Street (Adding Sunday Sales)
REMOVED FROM THE CONSENT AGENDA
 3. Approval of Home Improvement Loans
File #47055
 4. Report of Court Administrator of Monies Collected and deposited during the month of January 2009
File #47056
 5. January 2009 Investment Report
File #47057

ITEMS REMOVED FROM THE CONSENT AGENDA

Item 8.B.2.a.i .Convention Center Oversight Committee Meeting of November 24, 2008; (Add the Replacement POS System in the Amount of \$30,000 in the 2009 Capital Plan)
City Attorney Michael Valenti responded to an inquiry of Councilmember Michael Weller that the current system fails repeatedly; and the Convention Center Oversight Committee authorized placement of \$30,000 in the 2009 Capital Plan for purchase of a new POS System. A motion was made by MICHAEL WELLER to approve the motion of the Convention Center Oversight Committee to add the replacement of the POS System in the amount of \$30,000 to the 2009 Capital Plan, as recommended at the November 24, 2008, Oversight Meeting. LARRY MUENCH seconded the motion. A roll call vote was taken, with the following results: "Aye": Reese, Stivison, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: Veit. Motion passed.

Item 8.G.2. Approval of Liquor License Application for Thomas Findley, dba Lloyd & Harry's, Located at 208 North Main Street (Adding Sunday Sales)
Director of Community Development Bruce Evans responded to an inquiry of Councilmember Bob Kneemiller that the request was to add a Sunday Liquor License. Councilmember Ron Stivison requested that Staff provide information to the Council relative to the State requirements for restaurants to prove over 50% food sales. A motion was made by MICHAEL KLINGHAMMER to approve the liquor license application for Thomas Findley, dba Lloyd & Harry's located at 208 North Main Street (adding Sunday Sales). LARRY MUENCH seconded the motion. A roll call vote was taken, with the following results: "Aye": Stivison, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese. "Nay": None. Absent: Veit. Motion passed.
File #47005

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REPORT OF THE MAYOR

Appointments to Boards/Commissions

A motion was made by LARRY MUENCH to approve the following appointments to Boards and Commissions as presented by the Honorable Mayor Patricia M. York:

Beautification Commission: Appointment of Ann Hazelwood to fill the unexpired term of Tom Hannegan ending in October, 2011.

Economic Development Commission: Reappointment of Ed Pundmann and Diane Garrison for 3-year terms ending in February, 2012.

Oktoberfest Committee: Appointment of Eddie Klenc, Carla Foust, Lori McGinley, Bob Roseman, Alton Mercer, Dan Foust, Cheryl Thiede, Garry Shatro, Susie Stegemann, and Sheila Sullivan for terms ending in October, 2009.

Senior Citizens Advisory Commission: Reappointment of Jim Rau, Bruce Melton, Harry LeBlanc and Linda Covilli for 3-year terms ending in February, 2012.

MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: "Aye": Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison. "Nay": None. Absent: Veit. Motion passed.

File #47006

Written and/or Verbal Messages from the Mayor

Working Women's Survival Show. The Honorable Mayor Patricia M. York stated that the Working Women's Survival Show at the Convention Center was a success.

Fabulous Baby and Kids Expo. The Honorable Mayor Patricia M. York announced that the Fabulous Baby and Kids Expo is scheduled at the Convention Center on March 7, 2009.

Airport Noise Study. The Honorable Mayor Patricia M. York announced that the Airport will be conducting an Airport Noise Study; and information relative to public hearings will be forthcoming.

Missouri Municipal League. The Honorable Mayor Patricia M. York announced that she and several Councilmembers will be attending the Missouri Municipal League Legislative Conference in Jefferson City on February 18-19, 2009.

Home Dock Cities Meeting. The Honorable Mayor Patricia M. York announced that a Home Dock Cities Meeting will be held during the Missouri Municipal League Conference to discuss proposed legislation relative to a change in the admissions procedures which could impact the method in which the City received funding.

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ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Appointment of Councilmember to the Grant Review Committee to Replace President of the Council Jerry Reese

President of the Council Jerry Reese requested consideration of the Council to appoint Councilmember Laurie Feldman to the Grant Review Committee. A motion was made by MICHAEL KLINGHAMMER to appoint Councilmember Laurie Feldman to the Grant Review Committee to replace President of the Council Jerry Reese. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

Announcement of Change in Council Rule 13(A) Relative to Regular Council Meeting Agendas

President of the Council Jerry Reese announced a change in Council Rule 13(A) to revise the agenda format for Regular Council Meetings to add a category for "Items for Discussion and/or Council Action" in order to address concerns voiced by the Council at the February 3, 2009, Regular Council Meeting.

Establishment and Appointment of Members to the Citizen Advisory Frontier Park Pavilion Committee

A motion was made by LARRY MUENCH to establish a Citizen Advisory Frontier Park Pavilion Committee, with the following members:

Councilmember Dave Beckering, Chairperson

Councilmember Larry Muench

Councilmember Erv Ermeling

Councilmember Richard Veit

Mayor Patricia M. York

Ward 1 Representative – Ann Hazelwood

Ward 2 Representative – Tom Molkenbur

Ward 3 Representative – T. J. Slattery

Ward 4 Representative – Mike Maurer

Ward 5 Representative – Mike Sanders

Ward 6 Representative – Mike Schulte

Ward 7 Representative – Dennis Budde

Ward 8 Representative – Gary Whiteside

Ward 9 Representative – Dan Gould

Ward 10 Representative – Dick Rufkahr

Main Street Representative – Chris Schulte

Main Street Representative – Gene Wood

Main Street Representative – Gary Haddox

Mayor's Appointee – Thomas Dell

Mayor's Appointee – John Roberts

Mayor's Appointee – Bill Brecht

Parks & Recreation Department Employee – Maralee Britton

LAURIE FELDMAN seconded the motion. All voted in favor, motion passed.

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Discussion Relative to the Proposed Water and Sewer Rate Structure; and Receipt of Recommendation of the Board of Public Works

This item was referred to the Special Council Work Session scheduled for Tuesday, February 24, 2009.

Discussion Relative to the Upgrades at the Sewer Treatment Plants; and Receipt of Recommendation of the Board of Public Works

This item was referred to the Special Council Work Session scheduled for Tuesday, February 24, 2009.

Request for Update on Vacant Positions in the Public Works Department

This item was referred to the Special Council Work Session scheduled for Tuesday, February 24, 2009.

Written and/or Verbal Messages from the Councilmembers

Naming of the Park Located in Talbridge Area. Councilmember Laurie Feldman announced that residents may vote on naming the park in the Talbridge Area on the Parks Website at www.stcharlesparks.com.

APPROVAL OF CLOSED MINUTES

A motion was made by LARRY MUENCH to approve the following Closed Session Minutes. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: "Aye": Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison. "Nay": None. Absent: Veit. Motion passed.

- A. Fire Station Design Team Committee Meeting of January 20, 2009, relative to sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

The Regular Council Meeting was adjourned at 10:39 p.m.

April 7, 2009
Date Approved

Marilyn K. McCas
City Clerk

Jerry Reese
Jerry Reese, Presiding Officer